

ENTERED

September 30, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONDARAIUS DUBASH, *et al*

VS

CITY OF HOUSTON, *et al*§
§
§
§
§

CIVIL ACTION NO. H-23-3556

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the Court in the above referenced proceeding is Plaintiffs' Motion for Preliminary Injunction (Doc. No. 13) and Motion to Modify Order Granting Motion to Stay (Doc. No. 64), Majority Defendants' (Discovery Green Conservancy, Robert Douglas, City of Houston, Barry Mandel, and Vern Whitworth) Motion to Dismiss for Failure to State a Claim (Doc. No. 44), Defendant Houston Downtown Park Corporations Motion to Dismiss for Failure to State a Claim (Doc. No. 46); and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 78). Plaintiffs filed Objections (Doc. No. 81) to the Memorandum and Recommendation to which a response (Doc. No. 82) and reply (Doc. No. 83) were filed.

The Court has carefully reviewed, *de novo*, the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and the objections thereto, and agrees with the Magistrate Judge's conclusions. Accordingly, it is hereby

ORDERED that Plaintiffs' Objections (Doc. No. 81) are **OVERRULED**, and the Memorandum and Recommendation (Doc. No. 78) is **ADOPTED**. It is further

ORDERED that Plaintiffs' Motion for Preliminary Injunction (Doc. No. 13) and Motion to Modify Order Granting Motion to Stay (Doc. No. 64) are **DENIED as MOOT**. It is further

ORDERED that the Majority Defendants' (Discovery Green Conservancy, Robert Douglas, City of Houston, Barry Mandel, and Vern Whitworth) Motion to Dismiss for Failure to State a Claim (Doc. No. 44) and, Defendant Houston Downtown Park Corporations Motion to Dismiss for Failure to State a Claim (Doc. No. 46) are **GRANTED**.

This Court elects not to exercise supplemental jurisdiction over the claims filed under State law and therefore dismisses those without prejudice. This case is **DISMISSED**.

Entry of this Order shall constitute entry of final judgment.

SIGNED this 30th day of September 2024.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE